

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Rates for Interstate Inmate Calling Services)	WC Docket No. 12-375
)	
_____)	

**GLOBAL TEL*LINK CORPORATION
COMMENTS IN SUPPORT OF SECURUS MOTION FOR EXTENSION**

Global Tel*Link Corporation (“GTL”),¹ by its undersigned counsel and pursuant to the Public Notice issued by the Federal Communications Commission (“FCC” or “Commission”),² respectfully submits these comments in support of the Motion for Extension (“Motion”) filed by Securus Technologies, Inc. (“Securus”) in the above-referenced docket. Securus has requested an extension of time to submit the first inmate calling service (“ICS”) annual report as required by new Rule 64.6060,³ which was approved by the Office of Management and Budget (“OMB”) on January 9, 2017 and published in the Federal Register on March 1, 2017.⁴ By Public Notice issued March 2, 2017, the Wireline Competition Bureau stated the first annual report under new Rule 64.6060 would be due June 1, 2017.⁵

¹ These comments are filed by GTL on behalf of itself and its wholly owned subsidiaries that also provide inmate calling services: DSI-ITI, LLC, Public Communications Services, Inc., and Value-Added Communications, Inc.

² WC Docket No. 12-375, *Wireline Competition Bureau Seeks Comment on Securus Technologies, Inc.’s Motion for Extension of Annual Reporting Deadline*, Public Notice, DA 17-249 (rel. Mar. 14, 2017).

³ 47 C.F.R. § 64.6060; *see also Rates for Interstate Inmate Calling Services*, 30 FCC Rcd 12763 (2015) (“*Second ICS Order*”), *pets. for stay granted in part sub nom. Global Tel*Link Corporation v. FCC*, No. 15-1461, Order (D.C. Cir. Mar. 7, 2016), Order (D.C. Cir. Mar. 23, 2016), *pets. for review pending sub nom. Global Tel*Link Corporation v. FCC*, No. 15-1461 (D.C. Cir. filed Dec. 18, 2015) (and consolidated cases).

⁴ 82 Fed. Reg. 12182 (Mar. 1, 2017).

⁵ WC Docket No. 12-375, *Wireline Competition Bureau Announces Due Dates for Inmate Calling Services Information Collections and Consumer Disclosure Requirements*, Public Notice, DA 17-209 (rel. Mar 2, 2017) (“Public Notice”).

Under the annual reporting requirement, all ICS providers must submit, on an annual basis, categorized by facility and size of facility, information regarding: (1) current interstate, international, and intrastate ICS rates; (2) current ancillary service charge amounts and the instances of use of each; (3) monthly amounts of any site commission payments made by the ICS provider; (4) minutes-of-use, per-minute rates, and ancillary service charges for any video visitation services provided by the ICS provider; and (5) certain information concerning disability-related calls.⁶ In the *Second ICS Order*, the Commission stated the annual report would be due on April 1 of each year, but determined the first annual report would not be due until the year after OMB approved the new reporting requirement.⁷ Specifically, the Commission stated: “If for example, OMB approval is granted in 2016 then the first annual report and certification (as discussed below) will be due on April 1, 2017 and cover the time period from January 1, 2016 to December 31, 2016.”⁸

The June 1 deadline established by the Public Notice contravenes the plain language of the *Second ICS Order*, which demonstrates the Commission intended to give ICS providers time between OMB approval of the reporting requirement and the due date of the first report. GTL therefore supports the request made by Securus to set April 1, 2018 as the deadline for the first annual report, which is consistent with the *Second ICS Order*.⁹

The ongoing appellate review of the *Second ICS Order* also supports an extension of the current June 1 deadline. As Securus points out, much of the data requested in the annual report concern ICS requirements that are pending review by the United States Court of Appeals for the

⁶ *Second ICS Order* ¶ 267.

⁷ *Second ICS Order* ¶ 268.

⁸ *Second ICS Order* ¶ 268.

⁹ Securus Motion at 3.

District of Columbia Circuit.¹⁰ For example, the annual reporting requirement requests data relating to intrastate ICS, but the Commission’s jurisdiction to regulate intrastate ICS has been challenged by several parties, and the current Commission has stated it will not defend the previous Commission’s attempt to regulate intrastate ICS matters.¹¹ Further, the Commission has acknowledged that other aspects of ICS regulation reflected in the annual report, such as the request for data concerning video visitation, are now ripe for review by the D.C. Circuit.¹² The D.C. Circuit’s decision could affect the type of data the Commission is permitted to collect from ICS providers. The fact that the annual reporting requirement itself was not stayed does not change the possibility that the data elements may be modified (such as to remove references to intrastate ICS matters) or completely eliminated based on the court’s review. It would be premature and a waste of valuable Commission and ICS provider resources to compile, collect, and review the requested data earlier than intended by the plain language of *Second ICS Order*,¹³ and prior to the D.C. Circuit’s ruling, which could affect what data are be collected.¹⁴

The Commission may grant an extension of time for good cause shown.¹⁵ Generally, the Commission’s “criteria for granting such requests are that the extension be in the public interest, cause no harm to any party in the proceeding, and cause no significant delay. An extension of time may also be appropriate where it is shown that the matter is unusually complex and that

¹⁰ Securus Motion at 3-4.

¹¹ No. 15-1461, Letter from David M. Gossett, Office of General Counsel, FCC, to Mark J. Langer, Clerk, D.C. Circuit (Jan. 31, 2017).

¹² No. 15-1461, Letter from David M. Gossett, Office of General Counsel, FCC, to Mark J. Langer, Clerk, D.C. Circuit (Mar. 1, 2017).

¹³ *Second ICS Order* ¶ 268.

¹⁴ See, e.g., *Applications of Telquest Ventures, L.L.C.*, 16 FCC Rcd 15026 (2001) (“this practice avoids the need to expend administrative resources reviewing premature earth station applications pending the outcome of uncertain licensing decisions”).

¹⁵ See, e.g., *Application of Media General Broadcasting of South Carolina Holdings, Inc. for Renewal of License for Station WBTW(TV), Florence, SC*, 19 FCC Rcd 24744, ¶ 3 (2004) (“For good cause shown, we will grant the requested extension of time.”); see also 47 C.F.R. § 1.46.

additional time is necessary to provide the Commission with an adequate pleading.”¹⁶ The Commission consistently has granted extensions of time when the extension would result in “the most complete and well-developed record possible” or will allow for more accurate responses.¹⁷

Grant of Securus’ request would fulfill these important public interests, and will not cause harm to any interested party.¹⁸ The annual reporting requirement imposes for the first time substantial, complex, and time-consuming requirements on ICS providers. The reporting requirement is “extremely detailed,”¹⁹ and requires ICS providers to gather and report specific data for each correctional facility served, further broken down by “type and size” of correctional facility, and for certain data, to distinguish between international, interstate and intrastate.²⁰ The extension will ensure ICS providers have the time necessary to evaluate the annual reporting requirement, compile the required data, and formulate responses to the data requests; for GTL, one of the largest ICS providers in the marketplace, this will be a major undertaking and requires additional time as it must complete the report for each of its correctional facility customers.

¹⁶ See, e.g., *Audio Enterprises, Inc.*, 3 FCC Rcd 5402, ¶ 2 (1988).

¹⁷ See, e.g., *Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems in the Ku-Band Frequency Range*, 16 FCC Rcd 7070, ¶ 3 (2001); *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 20 FCC Rcd 1555, ¶ 3 (2005).

¹⁸ The requested extension does not leave the Commission or the public without recourse to address ICS rates as any issues regarding ICS rates can be best addressed through the Commission’s complaint process or on its own initiative. See, e.g., *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as Amended*, 11 FCC Rcd 20730, ¶¶ 21, 128 (1996) (subsequent history omitted) (recognizing that the Commission “may be called upon to examine the reasonableness of a non-dominant interexchange carrier’s rates, terms, and conditions for interstate, domestic, interexchange services, for example, in the context of a Section 208 complaint proceeding” and that “the exercise of [its] authority to investigate and adjudicate complaints under Section 208” was a “more effective means of remedying” service offerings that violate Section 201); *Access Charge Reform; Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, 16 FCC Rcd 9923, ¶¶ 21, 25 (2001) (finding that, prior to the issuance of the order, competitors had “been largely unregulated in the manner that they set their access rates” and the FCC had relied on the Section 208 complaint process to address any unreasonable rates).

¹⁹ Securus Motion at 5.

²⁰ 47 C.F.R. § 64.6060.

Accordingly, GTL respectfully requests that the Commission grant the extension of time requested by Securus for ICS providers to submit their first ICS annual report pursuant to Rule 64.6060.

Respectfully submitted,

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Dated: March 28, 2017

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